

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW T. SHAFER, SHERI  
HAUGABOOK, PETER HEIDT, JEFFREY  
SHOVER, MACE TAMSE, GEORGE  
LIVANOS, MARK LOFTUS, JEFFREY  
SAMSEN, JEFFREY SHERESKY, STEVE  
SHERESKY, STEVE NADLER, AND SANDY  
JUKEL, ON BEHALF OF THEMSELVES AND  
ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

vs.

MORGAN STANLEY, MORGAN STANLEY  
SMITH BARNEY LLC, MORGAN STANLEY  
COMPENSATION MANAGEMENT  
DEVELOPMENT AND SUCCESSION  
COMMITTEE, and John/Jane Does 1-20,

Defendants.

Civil Action No. 1:20-cv-11047-PGG

CLASS ACTION

**NOTICE OF CONDITIONAL CROSS-APPEAL (PENDENT JURISDICTION)**

Plaintiffs Matthew T. Shafer, Sheri Haugabook, Peter Heidt, Jeffrey Shover, Mace Tamse, George Livanos, Mark Loftus, Jeffrey Samsen, Jeffrey Sheresky, Steve Sheresky, Steve Nadler, and Sandy Jukel (“Plaintiffs”) hereby notice this conditional cross-appeal. *See* Fed. R. App. P. 4.

Plaintiffs respectfully note that Defendants appeal an order compelling arbitration, and Plaintiffs do not believe that the Court of Appeals has jurisdiction. *See* 9 U.S.C. 16(b)(3).

Should the Court of Appeals determine that jurisdiction over Defendants’ appeal is proper, however, Plaintiffs cross-appeal so that the Court of Appeals may consider the issues presented in the District Court’s order granting Defendants’ motion to compel arbitration, ECF No. 86.

DATED: December 12, 2024

Respectfully submitted,

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